SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
Plaintiff,)	
)	CAUSE NO. DC-10-201
-VS-)	
)	DECISION
JONATHAN JAMES KEYS,)	
Defendant.)	

On September 17, 2018, Defendant was sentenced to the Montana State Prison for twelve (12) years, for the offense of Burglary. The Court recommended Defendant be placed in the Intensive Treatment Unit. Defendant was given credit for 10 days on probation and 244 days of time served with an additional 169 days of time served from his February 25, 2011 Judgment.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Sean Hinchey of Hinchey & Hinchey, P.C. Mr. Hinchey appeared by telephonic conference. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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It is the unanimous decision of the Division that the sentence imposed is clearly excessive. The Defendant was revoked based upon compliance violations. The alleged assault against his wife which was alleged as a violation was dismissed. The Division voted unanimously to decrease the twelve year sentence to the Montana State Prison. The Division's decision is to amend the Judgment to DECREASE the sentence to ten (10) years to the Montana State Prison, with none suspended, to run concurrently with the sentence in Flathead County Cause No. DC-10-042. All other aspects of the sentencing Judgment from Defendant's September 17, 2018 sentencing shall remain in full force and effect.

Done in open Court this 21st day of February, 2019.

DATED this of March

SENTENCE REVIEW DIVISION

Hon. Brenda Gilbert, Chairperson

Hon. Dan Wilson, Member

Hon. Luke Borger, Member

Copies mailed this

Clerk of District Court (Original)

Jonathan James Keys #38277, Defendant (2)

Hon. Robert B. Allison

Sean Hinchey, Defense Counsel

Travis R. Ahner, Esq.

Board of Pardons and Parole

MSP - Records Dept.

Georgia Lovelady, Judicial Assistant

Sentence Review Division